

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

UNITED STATES OF AMERICA	:	
	:	
VS.	:	
	:	
THOMAS LAWTON EVANS, JR.	:	2:18 CR 256

9 Sentencing in the above-captioned matter held
10 on Tuesday, March 5th, 2019, commencing at 11:58 a.m.,
11 before the Honorable David C. Norton, in Courtroom III,
12 United States Courthouse, 83 Meeting Street, Charleston,
13 South Carolina, 29401.

APPEARANCES:

NATHAN WILLIAMS, ESQ., Office of the U.S.
Attorney, P.O. Box 978, Charleston, SC,
appeared for the Government.

ANN B. WALSH, ESQ., Office of the Federal
Public Defender, P.O. Box 876, Charleston, SC,
appeared for the Defense.

REPORTED BY DEBRA L. POTOCKI, RMR, RDR, CRR
P.O. Box 835
Charleston, SC 29402

1 THE COURT: Yes, sir, Mr. Williams.

2 MR. WILLIAMS: Morning, Your Honor, may it please the
3 Court, we are here on Docket 2:18-CR-256, United States of
4 America versus Thomas Lawton Evans.

5 Your Honor, he's here with his attorney, Ms. Ann Walsh.
6 We are scheduled this morning for sentencing. I will advise
7 the Court that I have a few brief comments to make, and I
8 believe we have two individuals who would like to speak at the
9 appropriate time.

10 THE COURT: Sure. It's my understanding there's no
11 objections by either side, is that correct?

12 MS. WALSH: That's correct, Your Honor.

13 THE COURT: Okay. Mr. Evans pleaded guilty back on
14 September 18th and I accepted his plea at that time. I then
15 asked the probation office to prepare a presentence report
16 which has been prepared and submitted to both counsel for the
17 Government and defendant. As noted, everyone has had plenty
18 of time to go over the presentence report and there are no
19 objections to it.

20 Mr. Evans, did you have plenty of time to go over your
21 presentence report with your lawyer?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Okay. Inasmuch as all parties have had
24 access to the report and there are no objections to it, I'll
25 ask the clerk to file the report under seal. In the event of

1 an appeal, the clerk will make the report available to counsel
2 for appellate purposes. Additionally, the probation officer
3 made a recommendation which will remain under seal until
4 further order of the Court.

5 In view of the fact there are no objections to the factual
6 statements contained in the presentence report, I'll adopt
7 those statements as the findings of fact for the purposes of
8 sentencing. Having done so, it looks like it's offense level
9 43, criminal history category three, which is life
10 imprisonment, counts one to three, and counts one to three
11 supervised release of five years to life, 50,000 to \$250,000
12 fine, and a \$300 special assessment, and \$15,000 Justice for
13 Victims of Trafficking Act assessment. And the Government's
14 not seeking restitution.

15 Does anyone have any objection to the facts which have
16 been adopted for the purposes of sentencing or the guideline
17 ranges?

18 MR. WILLIAMS: Not from the Government, Your Honor.

19 MS. WALSH: No, Your Honor.

20 THE COURT: Okay. Mr. Williams, I'll be glad to hear
21 from you.

22 MR. WILLIAMS: Thank you, Your Honor. I want to say
23 first that we are requesting, and we have filed a maximum
24 sentence in this case. We are seeking that a maximum sentence
25 both available by law and in the Court's discretion. I

1 believe each count under the guidelines, standing alone, would
2 reach the life guideline. And we note that the Court has in
3 its discretion the ability to run those sentences consecutive.
4 So we would ask the Court use that discretion in this case.
5 And recognize that these charges by themselves each justify a
6 life sentence. The facts, Your Honor, that justify that
7 sentence are contained in the presentence report.

8 Essentially, Your Honor, I think the brutality of the
9 assault that occurred against Brittany Todd, who will speak
10 later today, justifies that sentence.

11 As we have set out in our plea during the plea and in our
12 filings, she had her head and face smashed against the wood
13 floor of her home multiple times. There were significant
14 injuries as a result of that.

15 And I think perhaps most noteworthy of those first few
16 moments in that time, she was not concerned about herself, she
17 was concerned about her four-year-old daughter, who she told
18 to run. That four year old did run to a bedroom, and that
19 bedroom was to protect her two-year-old brother. She ran
20 upstairs, helped that two year old. And this defendant
21 followed her up there, took her from the room and put her in
22 the trunk of a car.

23 Beyond that, Your Honor, once the four year old was put in
24 the trunk of the car, this defendant traveled across several
25 states, and in one of the states sexually assaulted the four

1 year old.

2 Your Honor, I believe those facts, without going into
3 further detail, justify a maximum sentence to punish this
4 defendant for that conduct; frankly, to protect society from
5 this defendant, who has been in prison before, and has shown
6 if he's released at any time, will continue to commit not only
7 further crimes but more aggravated crimes.

8 And finally, Your Honor, I think it has to reflect, that
9 sentence has to reflect the impact these crimes have had on
10 the Todd family, who will speak, but also the community that's
11 been affected and rallied behind the Todd family.

12 Your Honor, Brittany and Kevin are going to speak. I am
13 not going to describe the impact this has had on them. I
14 think they are far more capable than me of describing that,
15 and will do so for the Court.

16 I do want to briefly mention the impact this has had on
17 their families and on the community. I think, Your Honor, if
18 you look across this courtroom, you see a group of people who
19 are here for the Todd family. They have been inspired by
20 them. I know that their family has traveled, some from out of
21 state, some from Alaska have flown in for this hearing.

22 There's an entire Coast Guard family here. Can the Coast
23 Guard folks stand up? Your Honor, that is the family that the
24 Todds have here and across the country.

25 And finally, I think without them knowing it, they have

1 inherited a law enforcement family.

2 I want to recognize Detective Mark Mellette with the
3 Charleston police department, Special Agent Ed Klimas and
4 Special Agent Jim Godsell. I believe Special Agent Frank
5 Langdon is here from Alabama. Those men, as well as several
6 other agents, victim advocates. And I should mention also
7 Chief Oliver in Riverside, Alabama, they worked around the
8 clock, Your Honor, to make sure that this case was made, to
9 make sure that the evidence was gathered in the right way; did
10 that selflessly. There was no attention in this case to
11 boundaries, to jurisdictions, to roles.

12 And I also want to recognize, I know Chief Reynolds is
13 here, the Charleston police department, Scarlett Wilson,
14 United States Attorney Sherri Lydon, and John Warrington from
15 the FBI.

16 There was never a time in this case where somebody
17 discussed jurisdiction, whose case it was, who should be doing
18 something, it was all hands on deck and it was completely
19 selfless.

20 And the reason for that, Your Honor, is again the Todd
21 family. It was a common cause and a common purpose that I
22 think made it a case where we all can talk about sort of
23 partnerships. I think that in this case there was no
24 partnership, it was everybody just working together without
25 any idea as to who would have the case or who would later be

1 in this courtroom.

2 Kevin is going to speak, Your Honor. I do want to say a
3 couple things for him. Kevin is self-deprecating, he is
4 humble, he will shy away from attention. I don't know that
5 he'll have a lot to tell Your Honor. But I do want to tell
6 Your Honor that when the case happened, when his wife was in
7 the hospital, when she couldn't be there, when his kids were
8 scattered across the country, having five of them, he stepped
9 up and showed that he was an anchor to his family. And he
10 fought for them. He won't say that; I feel like I need to say
11 that on his behalf.

12 He is a fine example -- I think you'll be able to see
13 this -- of a husband, a father, a Coast Guardsman, and more
14 importantly, an outstanding example of a member of our armed
15 forces who has gone a long way to fight for his family, and I
16 think you will see that from him today.

17 I want to talk about Brittany for a quick moment. She has
18 shown a strength and a courage. I think that's been an
19 inspiration to everyone in this courtroom.

20 I talked to you a moment ago about the fact that she was
21 concerned, as she was being assaulted, about her daughter. I
22 think what is more amazing in this case is what she did
23 throughout that day. She had two children in her house, and
24 the injuries to her were severe. The thing that jumps out at
25 me when I think about her, is the amount of blood that was in

1 that house that was in different places. And what that told
2 us immediately was that although she was bleeding herself,
3 profusely at times, she was getting her kids into a crib,
4 getting her two year old in front of a TV, feeding them,
5 making them cereal. We saw blood, a blood trail throughout
6 that house that was indicative of her concern first and
7 foremost for her children.

8 So I want to say the facts of this case show her courage,
9 they show her bravery, they show her strength. And what
10 happened after that, showed the same thing. Throughout this
11 case, time and time again she has said you all do what you
12 need to do, don't worry about me.

13 And so I think that although this is a day that the
14 defendant's being sentenced, I would say this is really her
15 day. She is the one person for whom we couldn't be here
16 without. If it weren't for her strength and her courage, I
17 don't think we would end up with this result and end up in
18 this courtroom today.

19 And finally I want to acknowledge a four-year-old girl
20 that's at the heart of this case, I think you can tell where
21 her family gets their strength from, her father and her
22 mother.

23 I will say that for the agents in this case she was the
24 inspiration. I will say that for the community, everyone sort
25 of rallied around her as well. And so when I think about the

1 sense of purpose in this case and the heart of the case, it
2 certainly is that four year old.

3 With that, Your Honor, I'm going to ask that the Todds
4 speak. I believe Kevin wants to speak first.

5 THE COURT: Sure.

6 MR. TODD: Thank you, Your Honor.

7 I have a deep desire to help people. I always have. I
8 was an Eagle Scout who volunteered in the community. When I
9 considered going in the Navy my senior year in high school, I
10 only considered becoming a medical corpsman because I wanted
11 to help without physical violence.

12 I became a professional firefighter, EMT, emergency
13 department technician, all because I wanted to help people. I
14 joined the United States Coast Guard over the other armed
15 forces due to their missions that are about saving lives
16 rather than taking them. I am not a violent man, but rather
17 one of kindness and happiness. However, this unwarranted
18 attack that happened to my family, specifically to my
19 beautiful daughter and my gorgeous wife, have brought out a
20 side of me that scares me.

21 The following months after February 2018, I had more
22 hatred than I knew existed in this world. I had horrific
23 nightmares of evil people doing more evil things to my family.
24 In addition to those dreams, I mentally went to an evil place
25 that has been against everything I have ever strived to be. I

1 have fantasized about doing things to Mr. Evans that would
2 make horror film directors blush. I don't wish to kill
3 Mr. Evans, but rather imagine the tastes, smells, sounds,
4 sights, and what it would be like to bring forth pain, and the
5 pleasure I would receive from inflicting it personally until
6 his last screaming agonizing breath. I am not a violent man,
7 but I know these are more than feelings.

8 The impact of this attack on my family shook me to the
9 core. And I have struggled every time I look in the mirror.
10 I see someone who's daily fighting to not be consumed by
11 sadistic tortuous thoughts, anger and hatred. This year I saw
12 myself as a monster.

13 Beyond my anger and hatred that has developed due to this
14 attack, I have had countless hours of my life stripped away
15 from me to deal with the aftermath of this assault.

16 My wife's hospital bills were a total of \$361,000, and
17 there are still treatments going on. So that number will
18 grow. Tri-Care initially denied over \$150,000, which caused
19 me to spend months of stress where I constantly e-mailed,
20 called, filled out forms, faxes, et cetera. I have taken
21 Heidi to dozens of medical appointments surrounding her rape
22 and the surgery that was required due to the viciousness of
23 it. I have had to take time off of work to care for our five
24 children that were not able to be cared for by their mother
25 due to her physical and mental state from her brain bleed and

1 multiple surgeries.

2 Due to the fear amongst my family associated with me being
3 deployed, I have been unable to complete my welding schools in
4 Virginia that is required for my current billet. Not only
5 have I not been able to go to training schools, but I have had
6 to turn down opportunities to be deployed to specialty
7 assignments that would have been beneficial to my professional
8 development.

9 Normally I also have to stand duty on the Coast Guard base
10 for 24-hour shifts. But due to Brittany and Heidi feeling
11 unsafe alone, I am under a waiver that makes my shipmates
12 stand more duty because I am not in the duty rotation.

13 Mr. Evans choosing to steal from my home, attempting to
14 murder my wife, leaving her with permanent scars and injuries,
15 raping 50 percent of the females in my home, kidnapping my
16 precious daughter while taking her states away, and being an
17 overall fucking piece of shit of a human being that has
18 impacted us permanently, despite all of that, he did not win.

19 With the help of God and my faith, my family is made of
20 the toughest grit that has ever been seen on this planet. My
21 incredibly gorgeous, strong, independent wife has already
22 chosen to cover up the permanent scars he left from tying her
23 up, with a big fuck you of a tattoo. She got Rosie the
24 Riveter in a nurse's cap, due to her strength as a woman and
25 passion for nursing. Consequentially, Heidi no longer sees

1 the scars and talks about "the bad guy," but rather talks
2 about how pretty Rosie is.

3 Brittany is working for the only Level I trauma center in
4 the region and is moving on with her life. Heidi loves going
5 to school, doing ballet, and just being a precious
6 five-year-old little girl.

7 I am blessed to have my faith, and continuously attempt to
8 bring God back into my heart. But when I am alone and quiet,
9 that murderous rage toward Mr. Evans tries to rear its ugly
10 head.

11 I am actively working on learning to forgive Mr. Evans. I
12 am a Christian man, and my God has clearly stated that I am
13 supposed to forgive my enemies and those that have sinned
14 against me, but that will be the hardest thing I have ever
15 done in my life. My biggest fear related to this sentencing
16 is that if Mr. Evans were ever allowed out of prison and into
17 this world where my family lives, my angry thoughts may become
18 a reality.

19 There have been positive sides to this all. I have been
20 able to meet incredible people. We have made friends in the
21 FBI, Charleston police, District Attorney's office, SLED,
22 Johns Island Fire. We have been able to become involved with
23 the National Center for Missing and Exploited Children. Heidi
24 and Brittany received Courage Awards from John Walsh, and
25 Heidi got to throw the first pitch at a major league baseball

1 game. We have a forever bond with Police Chief Rick Oliver,
2 who is the hero who saved my little girl by listening to his
3 gut. We have the three gentlemen, Donnie, Mark and Chris from
4 Norfolk Southern, who decided to not leave a weird feeling to
5 someone else, but rather act and ultimately save my little
6 girl.

7 I am more committed in church than I've ever been and have
8 been volunteering again. My relationship with my wife is
9 stronger than it's ever been, and I now make sure to
10 constantly keep my priorities straight in regards to spending
11 time with my children.

12 Permission to speak to the defendant? Though I am not in
13 a place to forgive you, that is my ultimate goal, Mr. Evans.

14 I respectfully ask the Court to put Mr. Evans in a prison
15 cell and never let him see the light of day ever again. Let
16 us not forget that after a decade of incarceration, where he
17 was supposed to learn from his mistakes, it took him less than
18 two weeks to possibly murder his girlfriend, break into a home
19 armed, almost murder a mother of five, tie her up and rape
20 her, then intentionally search for a four year old who had
21 listened to her mother and was hiding from her, chuck her in
22 the trunk as if she was a piece of trash, rape her, drive
23 states away, break into another house, steal another car,
24 running from the police officer, and ultimately driving over a
25 hundred mile an hour attempting to evade police, endangering

1 countless drivers and officers on the road.

2 I know he is going to the Department of Corrections, but
3 clearly Mr. Evans has made it clear that he does not want to
4 be corrected. Please give Mr. Thomas Lawton Evans, Jr. life
5 in prison.

6 Thank you, Your Honor.

7 THE COURT: Thank you.

8 Yes, ma'am.

9 MS. TODD: I have been asked to speak to the impact
10 this crime has had on me and my family. The choices that
11 Thomas made against my family will forever impact all of us.
12 Nothing in my life runs the same way that it did before
13 February 13th.

14 My husband served our country in the Coast Guard. We have
15 chosen to make our family's identity that of an active duty
16 military family. What is included with that are long work
17 hours, deployments, out-of-state training classes and
18 countless cross-country moves. We had our last permanent
19 change of station to Charleston in August of 2017, just two
20 weeks before our kids started a new school again, and five
21 weeks before our daughter was born.

22 Because this crime happened to us shortly after moving
23 here, it has been the focus point of this duty station. When
24 we originally got our orders to Charleston, we were so
25 excited. We had spent the last five years on islands in

1 Alaska and Puerto Rico. Charleston felt like it was going to
2 be a new beginning with new opportunities, hope, and a
3 positive change to the hard world living we had been doing.

4 For us, Charleston meant good schools, entertainment, a
5 great chance for spiritual growth, and a chance for mine and
6 my husband's career to move forward.

7 This crime has caused me and my children to be fearful of
8 this house, big cities, not living on a military base and
9 larger communities. It causes me to be fearful for my
10 family's safety and for the future. It has left me confused
11 about my identity as a person, and sadness for the physical,
12 emotional and relational losses that our family has
13 experienced since February.

14 I spent this entire year working through fears that were a
15 direct result of this crime, instead of establishing our new
16 home, making friends and getting a job.

17 When we moved here, we purchased a home. It is the first
18 home that I have ever owned. It's the first time in six years
19 that we haven't lived on a military base. That home was made
20 scary to our family. We have questioned this home purchase.
21 What started out as an exciting milestone, especially for a
22 military family, turned into such a fearful burden for us.

23 Because of my fear, my husband has still not been able to
24 return to working overnight duty shifts, has not been able to
25 complete the welding schools in Virginia that are required for

1 his job, and he had to get his orders changed so that he
2 wouldn't be deployed in the near future. All of these are
3 necessary requirements of a military member. It is crucial
4 that my Coast Guardsman can be able to go serve our country
5 with the peace in knowing that his family is safe and secure.

6 Thomas, when you broke into our house, my husband had just
7 left for training out of state two days earlier. I had spent
8 weeks getting everything prepared so he could go where the
9 Coast Guard needed him, without fear for his family's safety.
10 I and my children are still unable to feel secure with our
11 family's safety for Kevin to be able to return to school, and
12 I am unsure where this will lead us in the future.

13 I have struggled with my identity as a wife, mother, nurse
14 and a Coast Guard spouse. My physical injuries were critical
15 enough that I was unable to care for my own children for four
16 months. I missed milestones for my baby that I will never get
17 back. I lost my confidence as a nurse. I have questioned my
18 ability to care for patients and be able to critically think
19 through how to safely care for them.

20 Physically, I will carry surgical scars and ligature scars
21 from this attack for the rest of my life. I will always
22 remember the feeling of my skull hitting the hardwood floor,
23 the feeling of a knife being held up to my jugular vein, how
24 it felt to be brutally tied up to the point of losing
25 circulation in my hands. And when I went from being

1 cognitively aware of the attack and trying to protect my
2 children, to when my mind went dark.

3 What I won't remember is I laid in bed bleeding all over
4 the mattress, enough that it had to be thrown out. You took
5 off your clothes and violated me. You walked out my front
6 door with my daughter. What did my baby eat all day? I am
7 completely unaware if I tried to feed her or if she went
8 starving all day.

9 What did Henry do all day? How hungry and scared he had
10 to have been that day. As a mother, I always know where my
11 kids are, who they're with and what they're doing. But that
12 day my sweet daughter was lying in the trunk of a car, also
13 scared and hungry.

14 You beat my skull to the point of brain bleeding. I was
15 unable to care for my children. I sat in our house all day
16 after the attack with my two year old and five month old,
17 unable to tend to their needs. I couldn't walk, recall or
18 process information, eat or swallow. I struggled to maintain
19 an open airway related to the swelling. I had multiple facial
20 and jaw fractures, a Lefort 2 fracture, which is where the
21 bridge of the nose and upper jaw is free-floating from the
22 rest of your skull, and orbital fractures, that if they would
23 have been left unrepaired surgically, my eyes would have
24 fallen into my cheeks related to the bones holding my eyes in
25 place were crushed.

1 I spent a week in the surgical trauma I.C.U. because of
2 these injuries. I had three surgeries total, with six metal
3 plates along my face to fix these fractures. I was on a soft
4 food diet for six weeks, and still continue to have
5 significant numbness along my face and jaw.

6 My right eye socket was repaired two weeks later because
7 they couldn't safely perform the surgery until the facial
8 swelling had decreased. My left eye socket was repaired two
9 months later when the fractures didn't heal correctly.

10 My eyes still hurt daily. They're dry and sensitive to
11 light. I have had multiple procedures to help with
12 sensitivity, and I still can't wear my contacts. My eyes
13 continue to impair my ability to drive safely and to work.

14 Heidi's physical injuries also required surgical repair.
15 Because she was sexually assaulted, she required repair of her
16 vaginal tear. It was described to us as a fourth degree
17 vaginal tear, which extends through the anal sphincter and
18 into the membrane that lines the rectum. She had difficulties
19 going to the bathroom, was unable to ride her bike, and
20 suffered from fecal incontinence for several weeks after
21 surgery. She had to endure HIV testing and prophylactic drugs
22 to fight off the possibility of HIV and Hep-C.

23 She has had to miss school for continued blood tests, and
24 also unable to attend any pre-K prep as a result of it, and is
25 now behind in kindergarten because of it.

1 This attack has affected every single relationship that I
2 have. There's a new normal for me. And I've even lost
3 relationships because of it. It has caused my children to
4 have struggles that they shouldn't have to worry about.

5 Heidi has struggled with her own set of fears that a four
6 year old getting ready to start kindergarten should never have
7 to worry about. She has had to battle with and overcome fear
8 of going to the doctor to get another vaginal exam, fear of
9 being alone, fear of riding in a car, fear of taking a shower,
10 fear of her daddy leaving and not being safe without him home.
11 And fear that she believed Henry and her had watched me be
12 killed.

13 Sara is just old enough to be more aware of her peers, so
14 she was afraid to go back to school because she didn't know
15 what everyone would think of her or what they would talk
16 about.

17 Silas is more verbally attached than he used to be, and he
18 is very concerned about security. They both fought with
19 missed school and make-up work, and had to go back to school
20 after your sister was taken from your home and it was
21 displayed all over the news.

22 They both verbalized that they were very fearful that I
23 was dead. Henry had to witness the entire attack and watch
24 his sister be taken from our home. At only two years old, he
25 has witnessed things that I would never wanted him to see.

1 Alice is was completely breastfed at the time of this
2 crime. Because I was in the I.C.U., my milk supply dropped to
3 almost gone and we had to rely on donor milk for her. I spent
4 the rest of her first year worried about how to provide milk
5 for her to eat. She went from having a mommy available all
6 the time for her to, at five months old, I was just gone. She
7 was not enable to visit the hospital due to infection risks.
8 And even when I got out of the hospital, I was physically
9 unable to hold her and mentally unavailable for her and the
10 other kids.

11 Kevin has had countless work struggles to navigate. How
12 do you talk -- also, how do you talk to your kids about their
13 sister being missing and their mom almost being murdered?

14 Since this horrific assault on our family occurred, we
15 have had to lean into our faith to find the strength to
16 recover both as individuals and as a family. Although our
17 bodies were violently impacted in a way that took the tedious
18 work of countless skilled medical professionals to recover,
19 our hearts and minds have only been able to find peace in the
20 presence of God.

21 In reading his word, I was reminded of a passage in
22 Genesis where a young man named Joseph was physically
23 attacked, thrown into a dirt pit and left for dead, for no
24 fault of his own. Rather, it was the jealousy of his
25 attackers that caused his peril. It took Joseph many years to

1 recover from that tragic day, but he was eventually able to
2 face his attackers in the court of the king. On that day,
3 when he faced them, he said to him -- and, Thomas, I want to
4 say to you now -- "You planned evil against me, but God
5 planned it for good in order to save many people."

6 I truly believe that God has chosen to not only spare my
7 life, but your life as well. God promises that he has many
8 plans for both of us, plans to take care of you, plans to not
9 abandon you, and to give you hope for the future.

10 I will never get back what I lost, but I am choosing to
11 live now. I believe that this Court will help protect future
12 innocent women and children from the same fate that we
13 suffered. I trust that the courts will decide his fate and
14 that he will experience the full consequences of his actions
15 against both God and humanity. But I also believe that God is
16 sovereign and just, as well as our redeemer and healer.

17 My prayer for you, Thomas, is that through all of this,
18 you will be able to seek purpose and hope, that you will be
19 able to feel the fullness and immensity of God's love for you,
20 Thomas Lawton Evans, that you will be able to release yourself
21 from the crimes that you committed against me, just as I have
22 chosen to do for you.

23 Thank you.

24 THE COURT: Thank you.

25 MR. WILLIAMS: Your Honor, we don't have anything

1 further.

2 THE COURT: Ms. Walsh?

3 MS. WALSH: Judge, Mr. Evans has instructed me to say
4 on his behalf that he is stunned and overwhelmed by the
5 comments of these victims. He is speechless. And I don't
6 think there are any words that he can bring to this courtroom
7 today that would cause them any relief or -- make them feel
8 any better, I guess is the way I can only say that. And that
9 he is overwhelmed by their comments. And there may be some
10 time in the future that he may be able to express himself, but
11 I don't think he can do it today. And that would be all we
12 have to say.

13 THE COURT: Okay. Mr. Evans, you have a right to say
14 anything you'd like with regard to your sentence. If you'd
15 like to say anything, I'd be glad to hear from you, but I
16 understand you don't want to say anything, is that correct?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Anything else from the Government?

19 MR. WILLIAMS: No, Your Honor, thank you.

20 THE COURT: Okay. I want to thank Mr. and Mrs. Todd
21 for what they said here today.

22 Not many people know, but I was a Coast Guard brat. We
23 moved five times before I was eight years old, so I know the
24 extraordinary talents that Coast Guard wives and spouses have,
25 because they have to deal with the children while their

1 husbands away, and my mother did that too, I've been there.

2 So the sentence that I'm going to give is going to reflect
3 18 United States Code 3553(a). The first thing we have to
4 consider is the nature and circumstances of the offense. I've
5 been doing this for 29 years, and this is the single worst
6 offense that I've seen. It was random, it was brutal, it was
7 a senseless act of a man without a conscience and with no
8 empathy for anyone, who terrorized a family and a
9 four-year-old girl.

10 The history and the characteristics of the defendant.

11 He's got criminal history category of three. Two weeks after
12 he got out of jail after serving eight years, he does this.
13 And while he was in jail he had 11 major disciplinary hearings
14 while he was in state prison.

15 The sentence, again, is going to reflect the seriousness
16 of the offense, it's going to promote respect for the law,
17 because obviously Mr. Evans doesn't have any, nor, I don't
18 think, will he ever have any.

19 This will provide just punishment for the offense, it will
20 afford adequate deterrence to his criminal conduct, and to
21 protect the public from further crimes. And the only way to
22 do that is to make sure that he is never ever released from
23 prison.

24 So having calculated and considered the advisory
25 Sentencing Guidelines and the relevant statutory factors

1 contained in 18 United States Code 3553(a), it is the judgment
2 of the Court the defendant, Thomas Lawton Evans, is hereby
3 committed to the custody of the Bureau of Prisons to be
4 imprisoned for a term of life. Said terms consist of life as
5 to each counts one, two and three, to run consecutively.

6 I recommend sex offender treatment program while
7 incarcerated. No fine. Three hundred dollar special
8 assessment, and \$15,000 JVTA, both due immediately.

9 Upon release from imprisonment, which is not going to
10 happen, shall be placed on supervised release for a term of
11 life, which is life, counts one, two and three concurrent.

12 While on supervised release, the mandatory standard
13 conditions of supervision, the following special conditions.
14 Shall participate in a program of testing for substance abuse.
15 Shall participate in a program of mental health counseling or
16 treatment deemed necessary. Shall participate in computer
17 internet monitoring program. Shall participate in sex
18 offender treatment program. Shall contribute to the cost of
19 any treatment, drug testing or location monitoring. Shall not
20 possess, procure purchase or otherwise obtain access to any
21 form of computer network, bulletin board, internet or exchange
22 format. Shall have no unsupervised contact with children
23 under the age of 18. Shall comply with any sex registration
24 laws. Shall not possess any audio or visual depictions
25 containing sexually explicit conduct. Shall not frequent

1 adult book stores, sex shops, topless bars or locations with
2 sexual stimulus. Shall submit to random polygraphs for
3 treatment purposes, as well as compliance with standard
4 conditions of supervision, to be conducted by a person deemed
5 appropriate by the probation office, as a treatment tool.

6 Shall pay any remaining JVTA in the amount of \$15,000 at a
7 rate of no less than \$50 per month. Payment shall be made to
8 Clerk, United States District Court, District of South
9 Carolina, P.O. Box 835, Charleston. Interest is waived.

10 The Court has duly considered the defendant's positions on
11 sentencing and believes the defendant's Sentencing Guidelines
12 have been correctly calculated. However, even if the sentence
13 guidelines were erroneously calculated, I would impose the
14 same sentences by way of upward variances and would have
15 imposed them consecutively as I have done today.

16 In my view, the sentences imposed today are necessary to
17 fulfill the purposes of sentencing set out in 18 United States
18 Code 3553(a), especially considering the horrific and
19 predatory circumstances of the offense, a violent attack on a
20 young mother at her home, and the abduction and violent sexual
21 assault of her four-year-old child.

22 The court finds consecutive life terms are necessary to
23 reflect the seriousness of his crimes, and provide just
24 punishment for them, to provide respect for the law and to
25 serve as a deterrent. And most importantly, to protect the

1 public from future crimes by the defendant.

2 I'm imposing consecutive sentences today to ensure the
3 defendant, in fact, spends the entire remainder of his natural
4 life confined, where he will be unable to harm anyone.

5 I recommend he serve his sentence at the super max prison
6 in Colorado, which is the only appropriate institution for
7 this soulless sorry excuse for a human being.

8 Does anyone have any objection to the form of that
9 sentence?

10 MR. WILLIAMS: No, Your Honor. Thank you.

11 THE COURT: We're not dismissing any charges. Okay.
12 You've got 14 days from today to appeal from this sentence.
13 If you can't afford a lawyer, I'll appoint Ms. Walsh to
14 represent you.

15 Get him out of here.

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17 (Court adjourned at 12:33 p.m.)

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REPORTER'S CERTIFICATION

I, Debra L. Potocki, RMR, RDR, CRR, Official Court
Reporter for the United States District Court for the District
of South Carolina, hereby certify that the foregoing is a true
and correct transcript of the stenographically recorded above
proceedings.

S/Debra L. Potocki

Debra L. Potocki, RMR, RDR, CRR